Supreme Court, U. S.
FILED
SEP 16 1977
MICHAEL RODAK, JR., CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1977

No. 77-285

STATE OF CALIFORNIA, et al.,
Petitioners,

vs.

UNITED STATES OF AMERICA,
Respondent.

Brief of Amici Curiae States of Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, Oklahoma, South Dakota, Texas, Utah, Washington and Wyoming in Support of Petition for Writ of Certiorari

BRUCE E. BABBITT
Attorney General of Arizona

RALPH E. HUNSAKER
Chief Counsel
Arizona Water Commission
222 North Central Ave.,
Suite 800
Phoenix, Arizona 85004

J. D. MACFARLANE
Attorney General of Colorado

DAVID W. ROBBINS
First Assistant Attorney General

JEAN E. DUBOFSKY
Deputy Attorney General
104 State Capitol
Denver, Colorado 80203

WAYNE L. KIDWELL
Attorney General of Idaho
State House
Boise, Idaho 83720

CURT T. SCHNEIDER
Attorney General of Kansas
State House
Topeka, Kansas 66612

MIKE GREELY
Attorney General of Montana

(Other counsel listed inside front cover)

SORG PRINTING COMPANY OF CALIFORNIA, 345 FIRST STREET, SAN FRANCISCO 94105

TED J. DONEY
Chief Legal Counsel
State Department of Natural Resources and Conservation
Natural Resources Building
32 South Ewing
Helena, Montana 59601

PAUL L. DOUGLAS
Attorney General of Nebraska

STEVEN C. SMITH
Assistant Attorney General
State Capitol
Lincoln, Nebraska 68509

ROBERT LIST
Attorney General of Nevada

HARRY W. SWAINSTON
Deputy Attorney General
Division of Water Resources
201 S. Fall Street
Carson City, Nevada 89701

TONEY ANAYA
Attorney General of New Mexico

RICHARD A. SIMMS
Special Assistant Attorney General
Department of Justice
State Capitol
Santa Fe, New Mexico 87503

ALLEN I. OLSON
Attorney General of North Dakota
State Capitol
Bismarck, North Dakota 58505

LARRY D. DERRYBERRY
Attorney General of Oklahoma

JAMES R. BARNETT
Assistant Attorney General
112 Capitol
Oklahoma City, Oklahoma 73105

JAMES A. REDDEN
Attorney General of Oregon

W. MICHAEL GILLETTE
Solicitor General
State Office Building
Salem, Oregon 97310

WILLIAM J. JANKLOW
Attorney General of South Dakota

WARREN R. NEUFELD
Assistant Attorney General
State Capitol
Pierre, South Dakota 57501

JOHN L. HILL
Attorney General of Texas
Austin, Texas 78711

ROBERT B. HANSEN
Attorney General of Utah
State Capitol
Salt Lake City, Utah 84114

SLADE GORTON
Attorney General of Washington

CHARLES B. ROE, JR.
Senior Assistant Attorney General
Temple of Justice
Olympia, Washington 98504

V. FRANK MENDICINO
Attorney General of Wyoming

JACK D. PALMA II
Special Assistant Attorney General
123 Capitol Building
Cheyenne, Wyoming 82002

INDEX

	Page
Statement of Interests of Amici Curiae	1
Statement of the Issues	4
Argument	
1. The Lower Court's Decision, in Exempting the Bureau of Reclamation from State Permit Systems, Alters Several Decades of Settled Administrative Practice	4
2. The Ninth Circuit's Decision Overturns That Which Congress Intended to Accomplish in 1902, and Re-Writes Federal Reclamation Law by Developing a New Water Doctrine Not Contemplated by Congress	7
3. In the Interests of Sound Public Policy, the Fundamental Accommodation of Federal and State Interests Achieved in the Reclamation Act of 1902 and Implemented With Success for Decades Should Not Be Discarded	10
Conclusion	12

TABLE OF AUTHORITIES CITED

Cases	Page
Atchison v. Peterson, 87 U.S. (12 Wall.) 507 (1874)	7
Basey v. Gallagher, 87 U.S. (12 Wall.) 670 (1874)	7
California-Oregon Power Co. v. Beaver Portland Cement Co., 295 U.S. 142 (1935)	8
City of Fresno v. California, 372 U.S. 627 (1963)	11
Ivanhoe Irr. Dist. v. McCracken, 357 U.S. 275 (1958)	11
United States v. Bennett, 207 F.524 (9th Cir. 1913)	2
United States v. Gerlach Livestock Co., 339 U.S. 725 (1950)	3
West Side Irrigation Co. v. United States, 246 F.212 (9th Cir. 1917)	2

United States Statutes	
Desert Land Act of 1877, 43 U.S.C. § 322 (1970)	7
Reclamation Act of 1902, 32 Stat. 390 (1902), 43 U.S.C. §§ 372, 383 (1970)	passim
Mining Act of 1866, 14 Stat. 262 (1866), 43 U.S.C. § 661 (1970)	7

Congressional	
35 Cong. Rec. 6677, 57th Cong. 1st Sess. (1902)	9
Hearings on S. 863—Subcommittee on Irrigation and Reclamation of the Senate Committee on Interior & Insular Affairs, 84 Cong. Rec. 2d Sess. 101 (1956)	5

Miscellaneous Sources	Page
Trelease, F. J. "Arizona v. California" 1963 Supreme Court Review 158, 159	2
Trelease, F. J. "Reclamation Water Rights" 32 Rocky Mtn. L. Rev. 464, 466-69 (1960)	6
Wheatley, C. and Corker, C. "Study of the Development, Management and Use of Water Resources on the Public Lands" 327-28 (1969)	5
U.S. Department of Interior, Bureau of Reclamation, Water & Land Resource Accomplishments, 1974; Summary Report 2	2

In the Supreme Court of the United States

OCTOBER TERM, 1977

No. 77-285

STATE OF CALIFORNIA, et al.,
Petitioners,

vs.

UNITED STATES OF AMERICA,
Respondent.

Brief of Amici Curiae States of Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, Oklahoma, South Dakota, Texas, Utah, Washington and Wyoming in Support of Petition for Writ of Certiorari

STATEMENT OF INTERESTS OF AMICI CURIAE

Congress enacted the Reclamation Act of 1902 to tame and use the unharnessed waters and to reclaim the arid and semi-arid lands of the West. The Western States named herein as *amici curiae* constitute, with California, each of the states which have since 1902 been subject to the provisions of the Act. Pursuant to the Act, reclamation projects authorized by Congress span these *amici* states in the form of storage reservoirs, diversion dams, and other water works. Water deliveries from these project facilities at

the end of 1974 totaled 29.7 million acre-feet and served a record high of 17.6 million people (31% of the population of the 17 Western States). U.S. Department of Interior, Bureau of Reclamation, *Water and Land Resource Accomplishments,* 1974: Summary Report, 2.

When the United States, by the passage of the Reclamation Act, entered the field of building large scale irrigation projects, it carried forward a policy which it had long approved, encouraged and used: a policy of recognizing the laws of the states and territories as the sources of water rights. Thus, one of the fundamental concepts of the 1902 Act was Section 8:

> "Nothing in this Act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any state or territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this Act, shall proceed in conformity with such laws. . . ." 32 Stat. 390 (1902), 43 U.S.C. § 383 (1970).

An objective appraisal of the text of this provision would lead any fairminded observer to the conclusion that Congress intended that the government's right to divert and impound water for a reclamation project must be received from the state, and further that the acquisition of project water should be treated as an appropriation, which, consistent with congressionally approved western water laws, can only be based on beneficial use. *United States v. Bennett,* 207 F. 524 (9th Cir. 1913); *West Side Irrigation Co. v. United States,* 246 F. 212 (9th Cir. 1917); *see* F. J. Trelease, *Arizona v. California,* 1963 Supreme Court Review 158, 189.

The Bureau of Reclamation, charged with administering the Act, has historically followed the plain instructions of Section 8 in acquiring water for reclamation projects. In *United States v. Gerlach Livestock Company,* 339 U.S. 725 (1950), the Supreme Court characterized the attitude of the Bureau with respect to Section 8 as follows:

> "The Bureau of Reclamation and the Secretary of the Interior have consistently, through the forty two years since the 1902 Act, been zealous in maintaining compliance with Section 8 of the 1902 Act. They are proud of the historic fact that the reclamation program includes as one of its basic tenants that the irrigation development in the West by the Federal Government under the Federal Reclamation Laws is carried forward in conformity with State water laws. Ample demonstration of the effect of this law and policy of administration, in action, has been given in connection with the Central Valley Project. Water filings made by the state have been obtained by the Bureau of Reclamation by assignment. . . ." 339 U.S. 725, 740-41, n. 15.

The Ninth Circuit's decision pays little heed to either the language or purposes of Section 8, or to the way in which the Section has historically been recognized and followed by federal and state agencies since 1902. According to the Ninth Circuit, the Section requires the Bureau of Reclamation to apply for an appropriative permit from the state, requires the state to issue the permit if unappropriated water is available, and frees the Bureau of conditions imposed in such permits by the state. This is not what the Section says, or how the Section has been historically applied. The court has thus sanctioned an alteration of several decades of settled administrative practice. It has further eliminated the operation of California state law provided for in the Reclamation Act with respect to the

acquisition and use of project water by the Bureau, notwithstanding that the state's destiny is substantially influenced by how these waters are used.

Although the Ninth Circuit's decision necessarily applies only to the State of California, its holding rests primarily on a fundamental misinterpretation of Section 8 of the 1902 Act. That misinterpretation, applied to the other *amici* states, would eliminate any discretionary authority of the states to control the allocation of water stored at federal reclamation facilities. The *amici* thus urge this Court to grant the petition for writ of certiorari.

STATEMENT OF THE ISSUES

This case presents the question whether, under the Reclamation Act of 1902, the United States, acting through the Bureau of Reclamation (the "Bureau"), must obtain and comply with permits issued by the State of California, acting through its State Water Resources Control Board (the "State Board"), in instances where the Bureau seeks to acquire unappropriated water for reclamation purposes.

ARGUMENT

1. The Lower Court's Decision, in Exempting the Bureau of Reclamation from State Permit Systems, Alters Several Decades of Settled Administrative Practice.

The Bureau of Reclamation has consistently complied with the states' appropriation laws, including the permit systems on which those laws are based, since the passage of the Reclamation Act of 1902. Also, the Bureau has consistently acknowledged, since 1902, its obligation to comply with the states' appropriation laws. Therefore, the Ninth Circuit's decision alters several decades of settled administrative practice, and should be reviewed by this Court for that reason alone.

In 1956 hearings before the Subcommittee On Irrigation and Reclamation of the Senate, a representative of the Department of the Interior stated that the official position of Interior regarding the coverage and effect of Section 8, was that Section 8 completely controls the acquisition of water rights for the project. Hearings on S. 863 before the Subcommittee on Irrigation and Reclamation of the Senate Committee on Interior and Insular Affairs, 84th Cong. 2d Sess. 101 (1956).

The Bureau has recognized its obligation to comply with state law in the acquisition of water rights in its internal regulations. Under the heading "Project Formulation" in the Bureau's "Instructions" dated July 16, 1959, it is asserted that:

> "Project plans must comply with state legal provisions or priorities for beneficial use of water, interstate water compacts, court decrees allocating water among states, water rights, and related matters." Instructions, § 116.3.3 (July 16, 1959).

Under the heading of "River Regulation," dated January 10, 1957, the Bureau advises that:

> ". . . the Reclamation Act recognizes the interests and rights of the states in the utilization and control of their water resources and requires that the Bureau, in carrying out provisions of the Act, proceed in conformity with state water laws. Since the construction of a reservoir and the subsequent storage and release of water for beneficial purposes normally entails stream regulation, it is necessary to reach an understanding with the state regarding reservoir operating limitations." Instructions, § 231.5.1 (January 10, 1957); *see* C. Wheatley & C. Corker, *Study of the Development, Management and Use of Water Resources on the Public Lands* 327-28 (1969).

As recently as October 10, 1975, after the trial court's decision, the Commissioner of Reclamation stated:

> "We recognize that the ultimate right to store, divert, and utilize water in accordance with applications made pursuant to state laws is one of the key elements of past, present, and future development in the West. Each state has the duty to determine under its own statutes how its unappropriated water is to be used. Since 1902, the Bureau has consistently taken the position that it will obtain under state law its rights to store and divert water for its projects recommended for Congressional authorization." Remarks by Gilbert G. Stamm to the California Water Resources Assn., San Francisco, California, Oct. 10, 1975.

Consistently with the above statements and instructions, the Bureau has in fact complied with state laws in the initiation of a project, even in those cases in which delay or inconvenience in implementing the project is the price of compliance. Thus, in one case the project was classified as detrimental to the public interest and the state permit was issued only after the federal government, through negotiations, modified its water right application. *See* Trelease, *Reclamation Water Rights,* 32 Rocky Mtn. L. Rev. 464, 466-69 (1960). Another case involved a Bureau plan to divert the water of a river contrary to the terms of a state statute and before implementing the project, the federal government agreed to provide a separate storage dam. *Id.*

On the other hand, in order to facilitate compliance with Section 8 requirements, a number of the Western States have made special provisions for the government appropriation of water which tend to facilitate appropriation. *Id.*

As the petition of the State of California points out, California has enjoyed 75 years of similarly successful accommodation between federal and state interests in the reclamation program. Nevertheless, the Ninth Circuit has

chosen to abrogate the state's role in California's reclamation projects. Therefore, the *amici* urge the Court to grant the petition for writ of certiorari, not in order to establish a new, untested federal-state relationship in California, but to continue this historic and successful partnership.

2. The Ninth Circuit's Decision Overturns That Which Congress Intended to Accomplish in 1902, and Re-Writes Federal Reclamation Law by Developing a New Water Doctrine Not Contemplated by Congress.

Because in vast areas of the West rainfall is slight and water is precious, public policy dictated a rule of law under which water rights could be lost by non-use and acquired only by beneficial use of water. Under the appropriation approach, the first to make a beneficial use of water is protected in that right to the extent of his use. What is a "beneficial use" is determined by the law of the state in which the use occurs. Thus the appropriation doctrine enables the state to prevent waste and mismanagement of its waters and, unlike the riparian doctrine, vests the state with broad control over its waters.

To help facilitate settlement of the West, Congress gave its approval to this water law practice. Thus, in the Mining Act of 1866, Congress confirmed vested rights for mining, agricultural, manufacturing and other purposes that were recognized by the local laws and customs, and approved the appropriative system as a method of obtaining future water rights. 14 Stat. 262 (1866), 43 U.S.C. § 661 (1970); *Atchison v. Peterson,* 87 U.S. (12 Wall.) 507 (1874); *Basey v. Gallagher,* 87 U.S. (12 Wall.) 670 (1874). The Desert Land Act of 1877 encouraged the settlement of irrigable lands by making large tracts available to those who would reclaim them. The Act declared that all non-navigable sources of water on the public domain were held free for appropriation. 19 Stat. 377 (1877), as amended, 43 U.S.C.

§ 322 (1970). It has been held that, by this Act, all these waters were severed from the land and reserved for the public under the laws of the states and territories. *California-Oregon Power Co. v. Beaver Portland Cement Co.*, 295 U.S. 142 (1935).

It was with this statutory background that the 1902 Reclamation Act was passed. As with the earlier Acts, western congressmen were again successful in securing in the federal enactment provisions which reserved to the states broad control over their water resources so that they could participate in the reclamation process in a very fundamental way. Thus, Section 8 of the 1902 Act provides:

> "That nothing in this Act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any state or territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this Act, shall proceed in conformity with such laws. . . ." 32 Stat. 390 (1902), 43 U.S.C. § 383 (1970).

It is difficult to conceive of any other statutory language which could make clearer that the Bureau of Reclamation in developing water resources in the West is obliged to respect the state's regulatory authority in securing unappropriated water in the state for development of a particular project.

Furthermore, the legislative history of Section 8 removes any doubt that the Section was intended to require the Secretary to comply with state laws both in acquiring and distributing project water. Several senators and congressmen addressed themselves to this question during the 1902 congressional debates. Congressman Mondell of Wyoming,

the spokesman for the bill in the House of Representatives, responded at length to a question asking for clarification "upon the subject of national or state control." 35 Cong. Rec. 6677, 57th Cong., 1st Sess. (1902). He responded by quoting President Theodore Roosevelt for the proposition that "the distribution of the water, the division of the streams among irrigators, should be left to the settlers themselves in conformity with State laws." *Ibid.* He stated that Section 8 merely followed traditional federal legislation "recogniz[ing] local laws and customs appertaining to the appropriation and distribution of water used in irrigation." *Id.* at 6679. The motto which he used to describe the scheme of the reclamation bill was "National Expenditure, Local Administration." *Id.* at 6677. Indeed, in all the legislative history of this hotly debated Act, no Senator or Congressman dissented from this construction of the Act. Further, no Senator or Congressman suggested the view that was the basis of the Ninth Circuit's decision.

The Ninth Circuit's decision inexplicably makes no reference to this extensive legislative history, or to the administrative practice of the Bureau of Reclamation in complying with the states' appropriation laws under Section 8. Instead, the court holds simply that Section 8 requires the Bureau to obtain a permit under state law, but not to comply with conditions in the permit. However, nothing in Section 8 supports any distinction between a permit and its conditions. The court stated that its conclusion is supported by the fact that California did not develop its permit system until after 1902. Slip Op., 4-5. If this is so, then on what basis does the court conclude that Section 8 requires the Bureau to comply with the "forms" of the states' permit procedures? If the Section is sufficiently clear to require the Bureau to obtain a permit under state law, it is sufficiently clear to require the Bureau to comply with conditions in the

permit. Thus, the court appears to have re-written the federal reclamation laws, and, as suggested in the concurring and dissenting opinion, to have developed a new "federal common law." Slip Op., Concurring and Dissenting Opinion, n. 2. If the federal reclamation laws are to be re-written, such is the task of Congress, not the courts. Certainly this Court should review any federal appellate decision which results in the development of a new water doctrine in an area as delicate and sensitive as federal and state relations over the appropriation and use of water.

3. In the Interests of Sound Public Policy, the Fundamental Accommodation of Federal and State Interests Achieved in the Reclamation Act of 1902 and Implemented With Success for Decades Should Not Be Discarded.

Decisions regarding the allocations of unappropriated water among competing demands have dramatic significance in the Western States. In determining where water will be diverted and used, a decision is directly made as to the locale of future growth and community development. In addition, by allocating an amount of unappropriated water to a selected beneficial use, the supply available for competing uses also within the state's legitimate concern is reduced. These decisions and determinations, although they will ultimately have import to some extent to the nation as a whole, have a significantly more profound effect on the development of the state, as they will shape the priorities for water uses between the state's farmers, cities and industries, and between these uses and competing environmental uses. Thus, determinations as to the use of water in the West involve a delicate and complex balancing of benefits and costs associated with each competing use of water and area of use. In exercising this responsibility, the states have developed elaborate administrative

machinery which insures that the public will be allowed to fully participate in appropriation hearings, and to provide information relating to competing water needs.

On the other hand, it is not realistic to assume that Congress has a comparable level of interest regarding water management affairs, unassociated with navigation, within an individual state. Nor is it realistic to assume that Congress has the time or expertise to involve itself in the details of state water management, even assuming an inclination to do so. Thus, Congress, in authorizing reclamation projects throughout the West, provides few specifics in the authorizing legislation with respect to eventual project design, capacity and schedule of water use.

Congress was undoubtedly influenced by these considerations of public policy in providing for state control of the acquisition, use and distribution of reclamation project water. The result was that the 1902 Reclamation Law set up a dual control, a partnership between nation and state. Under this accommodation, the federal government is to build and operate the reclamation projects, and the states are to control the acquisition and use of water for the projects, as well as its distribution. Thus, the states were provided a voice in the projects that the national government had to respect. Not coincidentally, both federal and state authorities have faithfully honored this accommodation ever since the Act's passage.

Of course, this is not to say that state laws may override Congressional objectives as expressed in Congress' reclamation laws. The Supreme Court has made it clear that the Supremacy Clause countenances no such interference. *Ivanhoe Irr. Dist. v. McCracken,* 357 U.S. 275 (1958); *City of Fresno v. California,* 372 U.S. 627 (1963). However, where state and federal laws do not conflict, state laws

should be allowed to operate. To do otherwise is to allocate exclusive decision-making power on water resources development to the federal government, despite the legislative history, judicial precedent, administrative construction and the plain meaning of the Reclamation Act itself. The fact that the project interferes with the state's own program for water development and conservation will be to no avail. The state will have no opportunity to have a voice in the project no matter what its effect. If the broad holding of the Ninth Circuit is upheld, even conditions imposed in permits by California in order to protect prior rights will at best be considered merely advisory. Such complete bureaucratic autonomy is the exact antithesis of the western system of property rights in water.

CONCLUSION

The Western States joined in this brief as *amici curiae* are deeply concerned about the Ninth Circuit's decision in this case. It sanctions in California a reversal by the Bureau of Reclamation of a policy of complying with state laws in the acquisition and use of project water, a policy which has been faithfully followed throughout the Western States for 75 years. This policy was the product of the simple observation by Congress that the states have systems of local water law adapted to local water supply, climate and demand. The Federal Government does not. Therefore, Congress established a partnership between the federal and state governments whereby the federal government was to build and operate reclamation projects and the states, within the limits described in this brief, were to control the acquisition and use of project waters. Of course, it is not suggested that conditions imposed by a state in a permit

issued to the Bureau of Reclamation for a reclamation project can either contradict an explicit provision or policy of federal law, or render a specific project useless. It is argued, however, that the states must have not only the power to determine the existence of unappropriated water, but also to give effect to provisions of state law, where appropriate, concerning the public interest, and to include in their determinations those conditions essential to the protection of existing rights. No court until now has sought to dissolve that congressionally established partnership. The clear dictates of Section 8 of the 1902 Reclamation Act and sound principles of public policy require that this partnership be continued. The *amici* urge therefore that the petition for writ of certiorari be granted.

Respectfully submitted,

BRUCE E. BABBITT
Attorney General of Arizona

RALPH E. HUNSAKER
Chief Counsel
Arizona Water Commission
222 North Central Ave.,
Suite 800
Phoenix, Arizona 85004

J. D. MACFARLANE
Attorney General of Colorado

DAVID W. ROBBINS
First Assistant Attorney
General

JEAN E. DUBOFSKY
Deputy Attorney General
104 State Capitol
Denver, Colorado 80203

WAYNE L. KIDWELL
Attorney General of Idaho
State House
Boise, Idaho 83720

CURT T. SCHNEIDER
Attorney General of Kansas
State House
Topeka, Kansas 66612

MIKE GREELY
Attorney General of Montana

TED J. DONEY
Chief Legal Counsel
State Department of Natural
Resources and Conservation
Natural Resources Building
32 South Ewing
Helena, Montana 59601

PAUL L. DOUGLAS
Attorney General of
Nebraska

STEVEN C. SMITH
Assistant Attorney General
State Capitol
Lincoln, Nebraska 68509

ROBERT LIST
Attorney General of Nevada

HARRY W. SWAINSTON
Deputy Attorney General
Division of Water Resources
201 S. Fall Street
Carson City, Nevada 89701

TONEY ANAYA
Attorney General of New Mexico

RICHARD A. SIMMS
Special Assistant Attorney General
Department of Justice
State Capitol
Santa Fe, New Mexico 87503

ALLEN I. OLSON
Attorney General of North Dakota
State Capitol
Bismarck, North Dakota 58505

LARRY D. DERRYBERRY
Attorney General of Oklahoma

JAMES R. BARNETT
Assistant Attorney General
112 Capitol
Oklahoma City, Oklahoma 73105

JAMES A. REDDEN
Attorney General of Oregon

W. MICHAEL GILLETTE
Solicitor General
State Office Building
Salem, Oregon 97310

WILLIAM J. JANKLOW
Attorney General of South Dakota

WARREN R. NEUFELD
Assistant Attorney General
State Capitol
Pierre, South Dakota 57501

JOHN L. HILL
Attorney General of Texas
Austin, Texas 78711

ROBERT B. HANSEN
Attorney General of Utah
State Capitol
Salt Lake City, Utah 84114

SLADE GORTON
Attorney General of Washington

CHARLES B. ROE, JR.
Senior Assistant Attorney General
Temple of Justice
Olympia, Washington 98504

V. FRANK MENDICINO
Attorney General of Wyoming

JACK D. PALMA II
Special Assistant Attorney General
123 Capitol Building
Cheyenne, Wyoming 82002